



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016.

Chamber Ref: FTS/HPC/EV/23/1124

Re: Property at 6 Kendal Avenue, 1/2, Kelvindale, Glasgow, G12 0DL (“the Property”)

Parties:

Mr Barry John Williamson and Mrs Rebekah Williamson, 3 Wilson Close, Cassop, Durham, DH6 4RU (“the Applicants”)

Ms Sharon Lawless, 6 Kendal Avenue, 1/2, Kelvindale, Glasgow, G12 0DL (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member) and Ahsan Khan (Ordinary Member)

Background

1. This is an application for an order for repossession of the Property under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”). The action is based on Ground 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (Landlord wants to sell the Property).
2. The Tribunal proceeded with a Case Management Discussion on 6 September 2023 by way of teleconference. Mrs Parker and Mr Hudson appeared for the Applicants. The Respondent Ms Lawless appeared on her own behalf.
3. After hearing parties, the Tribunal continued the Case Management Discussion to 8 December 2023 to hear from the Applicants directly in order to assess the reasonableness or otherwise of the Order for eviction being granted.
4. On 5 October 2023 the Tribunal received an email from John Ballantine of Legal Services Agency acting on behalf of the Respondent. He had copied Mrs Parker from Yates Hellier into the email. The email advised the Tribunal that parties had reached an extra judicial settlement, and that the Respondent was willing to consent that it would be reasonable for an eviction order to be

granted against her provided the enforcement of the eviction order was delayed to 24 June 2024. To preserve Tribunal time and taking into consideration the overriding objective of the Tribunal, the parties requested that the matter be dealt with administratively and an Order be granted in the terms set out.

5. Mrs Parker for the Applicants confirmed in an email of 6 October 2023 that her clients were in agreement to the proposal set out in Mr Ballantine's email.

Reasons for Decision

6. The Tribunal considered the parties' correspondence. In the circumstances parties having reached an extra judicial settlement, the Tribunal decided to discharge the Case Management Discussion assigned for 8 December 2023 and thereafter grant the Order for eviction, it being reasonable to do so, with the Order being postponed until 24 June 2024.

Outcome

7. The Tribunal discharged the Case Management Discussion assigned for 8 December 2023 and granted an Order for Eviction postponed until 24 June 2024.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

S. Evans

20 November 2023

Legal Chair

Date